IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

TUESDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

* * *

WRIT PETITION No.10857 of 1997

Between:

S.Udaykumar Sagar, s/o. Madhavarao Sagar,
Aged about 33 years, 0cc. Advocate, r/o.
New Delhi, camp at H.No.4-2-130,
Sangareddy, Medak district. **… Petitioner**

Versus

Sangareddy Municipality,
Represented by its Commissioner,
Sangareddy, Medak district & Ors. **… Respondents**

Counsel for the Petitioners: **Sri S.Ashok Anand Kumar**

Counsel for the Respondents: **Sri K.Raji Reddy**

O R D E R :

None appears on behalf of the petitioner as well as respondents.

The petitioner seeks mandamus to direct the Commissioner, Sangareddy Municipality, Medak district, to take appropriate action against the unofficial respondents 2 and 3 for removing the unauthorized constructions made by them contrary to the A.P.Municipalities Act.

No counter has been filed.

Though notices have been served on all the respondents but none appears on their behalf.

The only grievance in the writ petition is that the petitioner constructed building in accordance with the sanctioned plan at Door No.4-3-130, Colony Road, behind Inspection Bungalow, Sangreddy.

It is stated that the third respondent purchased adjacent plot to the western portion of the petitioner's house and the respondents 2 and 3 have constructed the house without leaving five feet set back space and it is contrary to the provisions of A.P. Municipalities Act.

If any constructions have been made, the petitioner should have filed a complaint before the Commissioner, Sangareddy Municipality but without filing any complaint before the Commissioner, Sangareddy Municipality, the petitioner straightaway approached before this court to declare the inaction of the first respondent in not taking appropriate action against the respondents 2 and 3.

Having regard to the facts and circumstances, I am of the opinion that the request of the petitioner cannot be considered, as he did not file any complaint before the Commissioner, Sangareddy Municipality. Therefore, no writ of mandamus can be issued.

The writ petition is accordingly dismissed. No costs.

APRIL 04th, 2006. ----------

I s L. V. ESWARAIAH, J.